

Law Office of Nora J. Chorover

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August 7, 2015

RECEIVED
AUG 11 2015
OFFICE OF THE REGIONAL ADMINISTRATOR

BY CERTIFIED MAIL

Kerry Gahm, President
Rodney Hunt-Fontaine, Inc.
46 Mill Street
Orange, MA 01364
Certified mail # 7014 3490 0000 7429 7643

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance
with Federal Clean Water Act's Industrial Stormwater Discharge Requirements:
46 Mill Street, Orange, Massachusetts

Dear Kerry Gahm:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

Rodney Hunt-Fontaine, Inc. submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("General Permit") on December 23, 2008.¹ Rodney Hunt has violated and continues to violate the Permit's terms and conditions. The company has not consistently complied with the applicable monitoring and reporting requirements. On several of the occasions

¹ The General Permit was first issued in 1995 and most recently reissued in June 2015 in substantially similar form. See 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008), and 80 Fed. Reg. 34403 (June 4, 2015).

when the company performed the required monitoring, the results showed exceedences of applicable benchmark limits. Since Rodney Hunt has not been properly monitoring its discharges, it cannot have been ensuring that any control measures minimize pollutant discharges as required by the permit.

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the "Act") against Rodney Hunt. The subject of the action will be Rodney Hunt's unlawful discharge of stormwater from its fabricated metal products facility at 46 Mill Street, Orange, Massachusetts (the "Facility"). Storm water runoff from the Facility is discharged into Millers River.

BACKGROUND

Activities that take place at industrial facilities, such as those manufacturing metal products, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation's waters.

The following are *some* of the activities, pollutant sources and pollutants that are or may be present with Rodney Hunt's metal products manufacturing processes:

Activity	Pollutant Source	Pollutant
Tool workplace interface/shaving, chipping	Used metal working fluid with fine metal dust	Total suspended solids (TSS), chemical oxygen demand (COD), oil and grease
Parts/tools cleaning, sand blasting, metal surface cleaning, removal of applied chemicals	Solvent cleaners, abrasive cleaners, alkaline cleaners, acid cleaners, rinse waters	Spent solvents, TSS, acid/alkaline waste, oil
	Solvents, cold and hot dips, cleaning parts, degreasing	Acid, coolants, clean composition, degreaser, mineral spirits, pickle liquor, spent caustic, sludge
Making structural components	Cuttings, scraps, turnings, fines	Metals

Activity	Pollutant Source	Pollutant
Painting operations	Paint and paint thinner spills, sanding, spray painting	Paints, spent solvents, heavy metals, TSS
	Empty containers, paint application wastes, spills, over spraying, storage areas	Paint wastes, thinner, varnish, heavy metals, spent chlorinated solvents
Cleanup of spills and drips	Used absorbent materials	TSS, spilled material
Transportation or storage of materials	Wood dunnage/pallets	BOD, TSS
Metal preparation	Grinding, welding, sawing, shaving, brazing, bending, cutting, etching	Steel scraps, aluminum scraps, brass, copper, dust, chips and borings, steel scale, teflon, manganese
Surface treatment	Finishing, plating, case hardening, chemical coating, coating, polishing, rinsing, abrasive cleaning, electroplating	Acid, aromatic solvent, corn cob, lubricants, sand, oil, pH, nitrates, nitrites, carbon phosphates, borates, nitrogen, oily sludge, nickel, chromium, hydrofluoric acid
Galvanizing	Spills, leaks, transporting materials	Acid solution, phosphates, zinc chromate, hexavalent chromium, nickel
Heavy equipment use and storage	Leaking fluids, fluids replacement, washing equipment, use on poor surface area, soil disturbance	Oil, heavy metals, organics, fuels, TSS, hydraulic oil, diesel fuel, gasoline
Equipment/vehicle maintenance	Leaking fluids, fluids replacement, washing equipment	Oil, grease
	Vehicle fueling	Gas/diesel fuel, fuel additives
Storage of uncoated structural steel	Stored on porous pavement	Aluminum, lead, zinc, copper, iron, oxide, oil, nickel, manganese
Storing galvanized steel directly on the ground	Galvanizing material drippage or leaching	Metals: zinc, nickel, cadmium, chromium

Activity	Pollutant Source	Pollutant
Vehicle/equipment traffic	Soil disturbance and erosion	TSS from erosion, hydraulic fluid loss/spillage
Cleaning equipment/vehicles	Chemicals disposed improperly, spillage	Oil, grease, surfactants, chromates, acid, hydroxide, nitric acid

Clean Water Action will ask the Court to ensure Rodney Hunt's future compliance with the Act, assess civil penalties in an appropriate amount,² award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action's complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director
Clean Water Action
88 Broad Street, Lower Level
Boston, MA 02110
(617) 338-8131
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case is:
Nora J. Chorover
Law Office of Nora J. Chorover
11 Green Street
Boston, MA 02130
(617) 477-3550

² The Act authorizes the Court to assess a penalty of up to \$37,500 a day for each violation, *see* 33 U.S.C. § 1319(d), 73 Fed. Reg. 75340 (Dec. 11, 2008).

RODNEY HUNT'S VIOLATIONS AND DATES OF VIOLATIONS

Rodney Hunt's violations are described below and are also set forth on a Table attached as Exhibit A hereto.³ The Complaint, when filed, will set forth additional days of violations that occur between the date of this letter and the date on which the Complaint is filed.

1. Failure to Comply with the Permit's Monitoring Requirements

Rodney Hunt is required to monitor its discharges in accordance with the specific provisions of section 6 of the General Permit (pgs. 39-46) and Appendix B, section B (10). This includes monitoring for benchmark parameters and effluent limitations guidelines applicable to fabricated metal products facilities. General Permit, section 8.AA.5. Rodney Hunt was required to monitor for the presence of Total Aluminum, Total Iron, Total Zinc, and Nitrate plus Nitrite Nitrogen, in its stormwater discharges for each quarter commencing with the April 1, 2009 to June 30, 2009 quarter. Quarterly monitoring is required to continue until four consecutive quarterly samples show that the company's discharges are below the applicable EPA benchmark levels.⁴ During the last five years, Rodney Hunt violated these monitoring requirements by failing to monitor during the following quarters:

April 1, 2010 to June 30, 2010
July 1, 2010 to September 30, 2010
October 1, 2010 to December 31, 2010
January 1, 2011 to March 31, 2011
April 1, 2011 to June 30, 2011
July 1, 2011 to September 30, 2011
October 1, 2011 to December 31, 2011
January 1, 2012 to March 31, 2012
April 1, 2012 to June 30, 2012
July 1, 2012 to September 30, 2012
October 1, 2012 to December 31, 2012

³ Clean Water Action believes that violations have occurred on the dates identified in this letter and on Exhibit B, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through July 18, 2015 are set forth on Exhibit C hereto. The complaint, when filed, will set forth additional rain dates since July 18, 2015.

⁴ The benchmark levels applicable to Rodney Hunt's discharges are as follows: Total Aluminum: 0.75 mg/L; Total Iron: 1.0 mg/L; Total Zinc (based on reported water hardness): 0.04 mg/L; Nitrate plus Nitrite Nitrogen: 0.68 mg/L. See General Permit, section 8.AA.5.

January 1, 2013 to March 31, 2013
July 1, 2013 to September 30, 2013
October 1, 2013 to December 31, 2013
April 1, 2014 to June 30, 2014

In addition, according to EPA records from Rodney Hunt only monitored for impairment pollutants in the October 1, 2009 to December 31, 2009 quarter. Annual monitoring of impairment pollutants is required under the permit. See General Permit, 6.2.4.

To the extent additional monitoring violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional monitoring violations. To the extent additional monitoring violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional monitoring violations.⁵

2 Failure to Comply with the Permit's Reporting Requirements.

Rodney Hunt is required to report certain information to EPA and the Massachusetts Department of Environmental Protection ("Mass DEP") regarding its stormwater discharges in accordance with the provisions of Section 7 of the Permit. Among other things, Rodney Hunt must submit quarterly benchmark monitoring data to EPA. See General Permit, section 7.1.⁶ Benchmark monitoring reports were to have been filed with EPA 30 days following receipt of monitoring results. During the last five years, Rodney Hunt violated this requirement by failing to submit a quarterly benchmark monitoring report to EPA for the following quarters:

April 1, 2010 to June 30, 2010
July 1, 2010 to September 30, 2010
October 1, 2010 to December 31, 2010
January 1, 2011 to March 31, 2011
April 1, 2011 to June 30, 2011

⁵ Additional discovered monitoring violations may include, without limitation: failure to ensure representative sampling (General Permit, App. B, section B(10)(A), pg. B-4); failure to monitor from all facility outfalls (*id.*, section 6.1.1, pg. 39); failure to monitor during a measurable storm event following the preceding storm by at least 3 days (*id.*, section 6.1.3, pg. 39); failure to conduct monitoring in accordance with test procedures approved under 40 CFR Part 136 (*id.*, App. B, section B(10)(D), pg. B-4); or failure to sample within the first 30 minutes of a measurable storm event (*id.*, section 6.1.4, pg. 39).

⁶ If the data contains any exceedences of benchmarks, it must also be submitted to Mass DEP. See General Permit, Section 9.1.2.4.

July 1, 2011 to September 30, 2011
October 1, 2011 to December 31, 2011
January 1, 2012 to March 31, 2012
April 1, 2012 to June 30, 2012
July 1, 2012 to September 30, 2012
October 1, 2012 to December 31, 2012
January 1, 2013 to March 31, 2013
July 1, 2013 to September 30, 2013
October 1, 2013 to December 31, 2013
April 1, 2014 to June 30, 2014

To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional reporting violations.⁷

3. Failure to Implement Adequate Control Measures and Corrective Action

The General Permit requires Rodney Hunt to ensure that its control measures minimize its stormwater pollutant discharges. General Permit, section 2.0 (pg. 14). Rodney Hunt must take corrective action to modify its control measures whenever it finds that they “are not achieving their intended effect of minimizing pollutant discharges.” *Id.*, section 2.1. Corrective action must be taken whenever the results of monitoring show that “an exceedence of the 4 quarter average is mathematically certain.” *Id.*, section 4.2 (pg. 27). Documentation of corrective action must be included in the annual report. *Id.*, section 4.4 (pgs. 28-29).

Since Rodney Hunt has failed to properly monitor its stormwater discharges, it cannot have ensured that control measures are minimizing its pollutant discharges. Moreover, as shown on Exhibit A, Rodney Hunt’s storm water discharges have exceeded benchmark levels for several parameters on several of the occasions that the company did perform monitoring. This is further evidence that control measures are inadequate to minimize pollutant discharges. Indeed, the requirement for corrective action was triggered as early as late 2009, after the company learned that stormwater discharges from outfall 1 exceeded the iron benchmark by more than 4 times. See General Permit, section 4.2.

⁷ Additional discovered reporting violations may include, without limitation, failure to submit all reporting data to EPA no later than 30 days after receipt of laboratory results (General Permit, section 7.4).

This Notice Letter alleges that Rodney Hunt failed to implement adequate control measures and corrective action based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information.

CONCLUSION

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Nora J. Chorover

Attorney for
CLEAN WATER ACTION

cc: (by certified mail)

CT Corporation System, Registered Agent
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Rodney Hunt-Fontaine, Inc.

8/7/2015

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Gina McCarthy, Administrator

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Martin Suuberg, Commissioner

Massachusetts Department of Environmental Protection

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Boston, MA 02108

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EXHIBIT A**RODNEY HUNT-FONTAINE, INC. VIOLATIONS**

Type of Violation	Quarter	Outfall	Parameters	Beginning Date of Violation	Earliest End Date of Violation
Failure to Monitor for Compliance with Benchmark Limits	Apr-Jun 2014	All	All	June 30, 2014	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Apr-Jun 2014	All	All	July 31, 2014	The present
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2013	All	All	December 31, 2013	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2013	All	All	January 31, 2013	The present
Failure to Monitor for Compliance with Benchmark Limits	Jul-Sep 2013	All	All	September 30, 2013	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jul-Sep 2013	All	All	October 31, 2013	The present
Failure to Monitor for Compliance with Benchmark Limits	Jan-Mar 2013	All	All	March 31, 2013	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jan-Mar 2013	All	All	April 30, 2013	The present
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2012	All	All	December 31, 2012	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2012	All	All	January 31, 2012	The present
Failure to Monitor for Compliance with Benchmark Limits	Jul-Sep 2012	All	All	September 30, 2012	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jul-Sep 2012	All	All	October 31, 2012	The present
Failure to Monitor for Compliance with Benchmark Limits	Apr-Jun 2012	All	All	June 30, 2012	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Apr-Jun 2012	All	All	July 31, 2012	The present
Failure to Monitor for Compliance with Benchmark Limits	Jan-Mar 2012	All	All	March 31, 2012	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jan-Mar 2012	All	All	April 30, 2012	The present

Type of Violation	Quarter	Outfall	Parameters	Beginning Date of Violation	Earliest End Date of Violation
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2011	All	All	December 31, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2011	All	All	January 31, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Jul-Sep 2011	All	All	September 30, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jul-Sep 2011	All	All	October 31, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Apr-Jun 2011	All	All	June 30, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Apr-Jun 2011	All	All	July 31, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Jan-Mar 2011	All	All	March 31, 2011	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jan-Mar 2011	All	All	April 30, 2011	The present
Failure to Monitor for Compliance with Benchmark Limits	Oct-Dec 2010	All	All	December 31, 2010	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Oct-Dec 2010	All	All	January 31, 2010	The present
Failure to Monitor for Compliance with Benchmark Limits	Jul-Sep 2010	All	All	September 30, 2010	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Jul-Sep 2010	All	All	October 31, 2010	The present
Failure to Monitor for Compliance with Benchmark Limits	Apr-Jun 2010	All	All	June 30, 2010	The present
Failure to Report on Monitoring for Compliance with Benchmark Limits	Apr-Jun 2010	All	All	July 31, 2010	The present
Failure to Minimize Pollutants and Implement Adequate Corrective Action	All	All	All	August 3, 2010	The present

EXHIBIT B

RODNEY HUNT TABLE OF MONITORING RESULTS FOR NITRATE + NITROGEN, ZINC, ALUMINUM, AND IRON

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Oct-Dec 2014	1	No discharge	No discharge	No discharge	No discharge
Jul-Sep 2014	1	0.077	0.032	0.33	0.62
Apr-Jun 2014	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	1	0.076	0.049	1.3	1.8
Dec-Oct 2013	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	1	0.73	0.03	0.22	0.93
Jan-Mar 2013	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2011	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Apr-Jun 2011	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2009	1	Not detected	0.09	0.55	4.1
Jul-Sep 2009	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	1	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2014	2	No discharge	No discharge	No discharge	No discharge
Jul-Sep 2014	2	0.094	0.06	0.24	0.58
Apr-Jun 2014	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	2	1.4	0.079	0.34	0.51
Oct-Dec 2013	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	2	0.32	0.03	0.2	0.05

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Jan-Mar 2013	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2011	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2011	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2009	2	Not detected	Not detected	Not detected	Not detected

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Jul-Sep 2009	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	2	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2014	3	No discharge	No discharge	No discharge	Not discharge
Jul-Sep 2014	3	0.068	0.08	0.87	2.7
Apr-Jun 2014	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	3	0.16	0.055	0.53	1.4
Oct-Dec 2013	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	3	0.27	0.11	1.3	3.7
Jan-Mar 2013	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2011	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Apr-Jun 2011	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2009	3	Not detected	Not detected	Not detected	Not detected
Jul-Sep 2009	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	3	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2014	4	No discharge	No discharge	No discharge	No discharge
Jul-Sep 2014	4	0.088	0.037	<0.2	0.53
Apr-Jun 2014	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	4	0.06	0.059	0.86	2.7
Oct-Dec 2013	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	4	0.23	Not detected	Not detected	Not detected

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Jan-Mar 2013	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2011	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2011	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2009	4	Not detected	Not detected	Not detected	0.17

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Jul-Sep 2009	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	4	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2014	5	Not discharge	No discharge	No discharge	No discharge
Jul-Sep 2014	5	0.097	0.054	0.23	0.66
Apr-Jun 2014	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	5	0.051	0.062	0.96	2.5
Oct-Dec 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	5	0.02	0.02	Not detected	Not detected
Jan-Mar 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Apr-Jun 2013	5	Not monitored or reported	0.02	Not detected	Not detected
Jan-Mar 2013	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2011	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2011	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Oct-Dec 2009	5	Not detected	0.24	1.8	15
Jul-Sep 2009	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	5	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2014	6	No discharge	No discharge	No discharge	No discharge
Jul-Sep 2014	6	0.097	0.11	0.47	2.5
Apr-Jun 2014	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2014	6	0.079	0.13	0.71	2.3
Oct-Dec 2013	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2013	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2013	6	0.11	Not detected	Not detected	0.05
Jan-Mar 2013	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2012	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2012	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2012	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2012	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2011	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

Quarter	Outfall	Nitrate + Nitrite Nitrogen (Benchmark 0.68 mg/L)	Zinc (Benchmark: 0.04 mg/L)	Aluminum (Benchmark: 0.75 mg/L)	Iron (Benchmark: 1.0 mg/L)
Jul-Sep 2011	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2011	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2011	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2010	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jul-Sep 2010	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2010	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Jan-Mar 2010	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Oct-Dec 2009	6	Not detected	0.24	3.5	22
Jul-Sep 2009	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported
Apr-Jun 2009	6	Not monitored or reported	Not monitored or reported	Not monitored or reported	Not monitored or reported

EXHIBIT C

**DAYS BETWEEN
SEPTEMBER 1, 2010 AND JULY 31, 2015
ON WHICH STORMWATER FROM FACILITY
DISCHARGED TO WATERS OF THE UNITED STATES**

September 2010:	13, 16, 27, 28, 30
October 2010:	1, 4, 6, 14, 15, 27
November 2010:	4, 5, 8, 17, 26, 30
December 2010:	1, 12, 13
January 2011:	12, 18, 21, 27
February 2011:	1, 2, 5, 8, 25, 27, 28
March 2011:	6, 7, 11, 16, 21, 31
April 2011:	1, 4, 5, 13, 16, 17, 19, 23, 27, 28
May 2011:	4, 14, 15, 17, 18, 19, 23
June 2011:	1, 9, 11, 15, 17, 22, 23, 25, 29
July 2011:	3, 6, 13, 18, 23, 25, 29
August 2011:	1, 8, 9, 14, 15, 21, 25, 27, 28
September 2011:	5, 6, 7, 8, 20, 22, 23, 28, 29, 30
October 2011:	1, 4, 13, 14, 19, 20, 24, 27, 29
November 2011:	10, 16, 22, 23, 29, 30
December 2011:	15, 16, 21, 23, 27, 31
January 2012:	1, 12, 17, 19, 22, 23, 26, 27
February 2012:	24, 29
March 2012:	1, 3, 13
April 2012:	22, 23, 26
May 2012:	1, 3, 8, 9, 10, 14, 15, 16, 29
June 2012:	2, 3, 4, 6, 12, 13, 25
July 2012:	4, 24, 28
August 2012:	5, 10, 11, 15, 16, 28
September 2012:	4, 5, 8, 18, 22, 28, 30
October 2012:	2, 4, 10, 14, 15, 19, 29, 30
November 2012:	13
December 2012:	2, 8, 9, 10, 16, 17, 18, 21, 26, 27, 29
January 2013:	11, 16, 28, 29, 30, 31
February 2013:	8, 11, 19, 24, 27
March 2013:	7, 8, 12, 19, 31
April 2013:	1, 10, 12, 19, 20
May 2013:	8, 11, 19, 21, 22, 23, 24, 25, 29
June 2013:	3, 6, 7, 8, 10, 11, 13, 14, 17, 18, 24, 28, 30
July 2013:	1, 10, 23, 26
August 2013:	1, 2, 4, 9, 13, 26, 27, 28, 29
September 2013:	1, 2, 10, 11, 12, 22

October 2013:	4, 6, 18, 31
November 2013:	1, 7, 18, 22, 26, 27
December 2013:	6, 9, 14, 15, 17, 23, 29
January 2014:	2, 6, 11, 14, 18
February 2014:	5, 13, 14, 19, 20, 21
March 2014:	12, 29, 30, 31
April 2014:	4, 5, 8, 11, 15, 16, 26, 30
May 2014:	1, 10
June 2014:	
July 2014:	27, 28
August 2014:	5, 13, 21
September 2014:	6, 13
October 2014:	1, 4, 8, 11, 16, 22, 23, 24, 29
November 2014:	1, 6, 17, 24, 26
December 2014:	2, 3, 5, 6, 9, 10, 16, 17, 23, 24, 25, 28
January 2015:	3, 4, 12, 18, 24
February 2015:	2, 5, 8, 9, 14, 21
March 2015:	1, 3, 14, 26
April 2015:	8, 10, 20, 21, 22
May 2015:	19, 27, 31
June 2015:	1, 2, 8, 9, 12, 15, 20, 21, 23, 26, 27, 28
July 2015:	1, 4, 7, 9, 10, 18